

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1113 be amended to read as follows:

- 1 Page 2, line 4, reset in italics "insurance adjustment".
- 2 Page 2, line 4, delete "administration".
- 3 Page 2, between lines 6 and 7, begin a new line block indented and
- 4 insert:
- 5 **"(12) A court administration fee under IC 33-37-5-27."**
- 6 Page 3, line 29, reset in italics "insurance adjustment".
- 7 Page 3, line 29, delete "administration".
- 8 Page 3, between lines 31 and 32, begin a new line block indented
- 9 and insert:
- 10 **"(18) A court administration fee (IC 33-37-5-27)."**
- 11 Page 5, line 12, reset in italics "insurance adjustment".
- 12 Page 5, line 12, delete "administration".
- 13 Page 5, between lines 14 and 15, begin a new line block indented
- 14 and insert:
- 15 **"(14) A court administration fee (IC 33-37-5-27)."**
- 16 Page 6, line 31, reset in italics "insurance adjustment".
- 17 Page 6, line 31, delete "administration".
- 18 Page 6, between lines 33 and 34, begin a new line block indented
- 19 and insert:
- 20 **"(12) A court administration fee (IC 33-37-5-27)."**
- 21 Page 7, line 26, reset in italics "insurance adjustment".
- 22 Page 7, line 26, delete "administration".
- 23 Page 7, between lines 28 and 29, begin a new line block indented
- 24 and insert:
- 25 **"(8) A court administration fee (IC 33-37-5-27)."**
- 26 **(9) A service fee (IC 33-37-5-28)."**
- 27 Page 7, line 33, strike "from the party filing the action both of".
- 28 Page 7, strike lines 35 through 37, begin a new line block indented
- 29 and insert:
- 30 **"(1) From the party filing the action:**
- 31 **(A) a small claims costs fee of thirty-five dollars (\$35); and**
- 32 **(B) a small claims service fee of ten dollars (\$10) for each**

1 **named defendant.**

2 **(2) From any party adding a defendant, a small claims service**
 3 **fee of ten dollars (\$10) for each defendant added in the**
 4 **action."**

5 Page 8, line 8, reset in italics "insurance adjustment".

6 Page 8, line 8, delete "administration".

7 Page 8, between lines 10 and 11, begin a new line block indented
 8 and insert:

9 **"(7) A court administration fee (IC 33-37-5-27)."**

10 Page 8, line 31, reset in italics "insurance adjustment".

11 Page 8, line 31, delete "administration".

12 Page 8, between lines 33 and 34, begin a new line block indented
 13 and insert:

14 **"(7) A court administration fee (IC 33-37-5-27)."**

15 Page 9, delete lines 26 through 42.

16 Page 12, between lines 3 and 4, begin a new paragraph and insert:

17 "SECTION 13. IC 33-37-5-27 IS ADDED TO THE INDIANA
 18 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2005]: **Sec. 27. (a) This subsection does not**
 20 **apply to the following:**

21 **(1) A criminal proceeding.**

22 **(2) A proceeding to enforce a statute defining an infraction.**

23 **(3) A proceeding for an ordinance violation.**

24 **In each action filed in a court described in IC 33-37-1-1 and in each**
 25 **small claims action in a court described in IC 33-34, the clerk shall**
 26 **collect a court administration fee of two dollars (\$2).**

27 **(b) In each action in which a person is:**

28 **(1) convicted of an offense;**

29 **(2) required to pay a pretrial diversion fee;**

30 **(3) found to have committed an infraction; or**

31 **(4) found to have violated an ordinance;**

32 **the clerk shall collect a court administration fee of two dollars (\$2).**

33 SECTION 14. IC 33-37-5-28 IS ADDED TO THE INDIANA
 34 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2005]: **Sec. 28. (a) Except as provided in**
 36 **subsection (c), this section applies to a civil action in which the**
 37 **clerk is required to collect a civil costs fee under IC 33-37-4-4(a).**

38 **(b) The clerk shall collect the following:**

39 **(1) From the party filing the civil action, a service fee of ten**
 40 **dollars (\$10) for each additional defendant named other than**
 41 **the first named defendant.**

42 **(2) From any party adding a defendant, a service fee of ten**
 43 **dollars (\$10) for each defendant added in the civil action.**

44 **(c) This section does not apply to an action in which service is**
 45 **made by publication in accordance with Indiana Trial Rule 4.13."**

46 Page 12, line 15, strike "IC 33-37-4-6(a)(1)" and insert
 47 **"IC 33-37-4-6(a)(1)(A)".**

- 1 Page 14, line 2, after "under" insert "**IC 33-37-4-6(a)(1)(B) or**".
- 2 Page 14, line 8, reset in italics "judicial branch insurance".
- 3 Page 14, line 9, reset in italics "adjustment account established by
- 4 IC 33-38-5-8.2".
- 5 Page 14, line 9, delete "state general fund".
- 6 Page 14, line 10, reset in italics "insurance adjustment".
- 7 Page 14, line 11, delete "administration".
- 8 Page 14, between lines 17 and 18, begin a new line block indented
- 9 and insert:
- 10 "**(3) IC 33-37-5-27 (court administration fees).**".
- 11 Page 14, line 18, delete "(3)" and insert "(4)".
- 12 Page 14, between lines 18 and 19, begin a new paragraph and insert:
- 13 "**(l) The proceeds of the service fee collected under IC 33-37-5-28**
- 14 **shall be distributed as follows:**
- 15 **(1) The clerk shall distribute one hundred percent (100%) of**
- 16 **the service fees collected in a circuit, superior, county, or**
- 17 **probate court to the county auditor for deposit in the county**
- 18 **general fund.**
- 19 **(2) The clerk shall distribute one hundred percent (100%) of**
- 20 **the service fees collected in a city or town court to the city or**
- 21 **town fiscal officer for deposit in the city or town general**
- 22 **fund."**
- 23 Page 14, line 29, strike "IC 33-37-4-6(a)(1)" and insert
- 24 "**IC 33-37-4-6(a)(1)(A)**".
- 25 Page 14, line 37, strike "IC 33-37-4-6(a)(1)" and insert
- 26 "**IC 33-37-4-6(a)(1)(A)**".
- 27 Page 15, line 3, strike "IC 33-37-4-6(a)(1)" and insert
- 28 "**IC 33-37-4-6(a)(1)(A)**".
- 29 Page 15, line 42, reset in italics "judicial branch".
- 30 Page 16, line 1, reset in italics "insurance adjustment account
- 31 established by IC 33-38-5-8.2".
- 32 Page 16, line 1, delete "state".
- 33 Page 16, line 2, delete "general fund".
- 34 Page 16, line 2, reset in italics "insurance".
- 35 Page 16, line 3, reset in italics "adjustment".
- 36 Page 16, line 3, delete "administration".

- 1 Page 16, between lines 15 and 16, begin a new line block indented
- 2 and insert:
- 3 **"(2) IC 33-37-5-27 (court administration fees)."**
- 4 Page 16, line 16, delete "(2)" and insert **"(3)"**.
- 5 Renumber all SECTIONS consecutively.
(Reference is to EHB 1113 as printed April 1, 2005.)

Senator LAWSON C